

## CHAPTER 22.

## SUPREME COURT REPORTER.

AN ACT to provide for reporting, publishing and distributing the Decisions of the Supreme Court of this State.

- Qualificat'ns. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Supreme Court shall appoint a person who is not a Judge thereof, of known integrity and learning in the law, reporter of the decisions thereof; and such reporter shall hold his office for the term of four years from and after his appointment, and until his successor is duly appointed and qualified, unless sooner removed by order of the Court for incompetency or misconduct in office.
- Term. SECTION 2. The reporter shall give bond to the State, with at least two sufficient sureties, to be approved by the Governor, in the sum of Ten Thousand Dollars conditioned for the faithful performance of his official duties, and he shall further take and subscribe an oath or affirmation that he will perform his official duties with correctness, impartiality and fidelity, which bond and official oath shall be filed in the office of the Secretary of State.
- Bond. SECTION 3. It shall be lawful for the Reporter to receive at the close of each term the records in all cases decided thereat, with the opinions filed therein, and retain the same for such reasonable time as he may require to prepare a report thereof, when they shall be returned and remain in the office of the Clerk.
- Receive opinions and papers. SECTION 4. The reporter shall, as soon as practicable, after a case is decided by written opinion, prepare an exact syllabus of the opinion, a brief abstract of the facts involved in the decision, and shall state legal propositions made by counsel in the argument; but the argument shall not be reported at length. Cases, the importance of which do not demand a formal report, may be set apart by the Court to be reported briefly without syllabus or argument in an appendix to the volume.
- Report with and without syllabus. SECTION 5. It shall be the duty of the reporter to attend the regular terms, and the argument term of the Supreme Court at Davenport, to report briefly such cases of practice and other matters disposed of at the hearing, as the Court shall deem of sufficient importance to be reported, for which he shall receive the same
- Attend terms of Court.
- Report.

*per diem* allowed by law to the Clerk for attending said term at Davenport. Per diem.

SEC. 6. As often as the report shall be sufficient to constitute a volume of six hundred pages, exclusive of index and table of cases, it shall be the duty of the reporter to arrange the same with a table of cases, and index, and publish the same in a manner and style as neat and substantial as that of the thirteenth volume of Iowa Reports; but the Supreme Court shall have power when they deem it compatible with the public interest to order the publication of a volume of five hundred and fifty pages, exclusive of index and table of cases, and to increase the size of the volume when the reports cannot be embraced in two volumes per year, more than which shall not in any case be published. Volume.

SEC. 7. It shall be the further duty of the reporter within forty days after the close of each term of the Supreme Court to publish in some newspaper printed at the Capital of the State, the syllabi of the opinions filed at such terms; *provided*, always, that such publication can be made without expense to the State. Publish syllabi in newspapers.

SEC. 8. For the purpose of securing the prompt publication of the reports, it is hereby made the duty of the Secretary of State to subscribe for, and receive for the use of the State, five hundred copies of each volume as soon as published, upon presentation by the reporter of a certificate signed by a majority of the Judges of the Supreme Court, showing that the volume is prepared and published in compliance with the provisions of this Act. Purchase by State.

When the copies thus subscribed for, or any portion thereof, are delivered to the Secretary of State, he shall execute his receipt therefor, and upon presentation of the same to the Auditor of State, he shall draw his warrant upon the Treasurer, payable to the reporter, or such persons as he may order, in payment for the same at the rate of five dollars per volume. It shall not be lawful for the reporter to sell or dispose of any volume of reports before the same has been approved by a majority of the Judges of the Supreme Court in the manner prescribed by law. Receipt for. Pay. Approval of volume.

SEC. 9. The reporter shall be entitled to receive and hold in his own right the copy-right of his reports; but the Supreme Court shall have power to order the publication of a new edition of any one volume, when in their opinion the public interest shall require the same, and to require a compliance with said order within six months from the date of its being entered of record, Copyright. Power of Court.

- Forfeit.** and if the reporter neglects or refuses to publish in accordance with said order, the Court shall have power to declare the copy-right forfeited to the State.
- Dispositi'n of Reports.** SEC. 10. The copies of reports received by the State shall be disposed of by the Secretary of State as follows: Two copies each to the library of Congress and the library of the Supreme Court of the United States; one copy to the Governor of each State and Territory in the United States; one copy to the Governor, Lieutenant Governor, Secretary of State, Register of State Land Office, Auditor and Treasurer of State, and the Superintendent of Public Instruction; one copy to each Judge and officer of the Supreme Court; one copy to the library of the State University; one copy to the library of the State Historical Society, and thirty additional copies to said Society for exchange with similar Societies in other States, but to be appropriated to no other purpose; one copy to each of the District and County Judges in the State; fifty copies to the State Library, to be and remain therein as a part thereof, and the remainder shall be disposed of as shall from time to time be directed by law.
- Officers deliver to successors.** SEC. 11. It is hereby made the express duty of every Executive and Judicial officer who shall receive any copies of reports from the State under the provisions of the preceding section, or who now has in his possession copies of reports received from the State, by virtue of his office, to deliver the same to his successor upon vacating the office of which he is or was an incumbent at the time of receiving the same; and a failure to comply with the requirements of this section shall subject the delinquent to a penalty of ten dollars for each volume received and not thus accounted for, which may be recovered in an action for the use of and in the name of the State.
- Penalty.**
- Stationery.** SEC. 12. The Secretary of State shall deliver to the reporter such stationery as may be needed in reporting and preparing the manuscript for publication.
- Rate per volume.** SEC. 13. Such reports shall not be sold by the reporter or any other person at a rate higher than five dollars a volume; and if any person shall sell any volume of said reports in violation of the provisions of this Act, he shall, on conviction thereof, pay a fine of two hundred dollars.
- Repealed.** SEC. 14. Chapter 10 of the Revision of 1860 and all acts and parts of acts inconsistent with this Act are hereby repealed.
- SEC. 15. This act being deemed of immediate im-

portance, shall take effect from and after its publication in the Iowa State Register and Iowa Homestead, anything in the Revision of 1860 to the contrary notwithstanding.

Approved February 18th, 1864.

I hereby certify that the foregoing Act was published in the Daily State Register on the 25th day of February, A. D. 1864, and the Iowa Homestead dated March 2d, 1864, was published and filed in my office on the 27th day of February, 1864, and the Iowa State Register was published and filed in my office on the first day of March, 1864, both of which papers contained a copy of said Act.

JAMES WRIGHT, Secretary of State.

## CHAPTER 23.

### JUDGES OF SUPREME COURT.

AN ACT to increase the number of Judges of the Supreme Court, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter the Supreme Court shall consist of four Judges, three of whom shall constitute a quorum to hold Court.

SEC. 2. That the vacancy in the office of Judge of the Supreme Court, created by this Act, shall be filled by appointment by the Governor until the first day of January, 1865, and until his successor is duly elected and qualified.

SEC. 3. The regular term of the additional Judge of the Supreme Court, provided for by this Act, shall commence on the first day of January, 1865, and he shall be chosen at the general election in 1864, and every six years thereafter.

SEC. 4. That Section of 2627 of the Revision of 1860 be, and the same is hereby repealed, and there is hereby enacted instead thereof, as follows, to-wit: Section 2627, "The presence of three Judges is necessary for the transaction of business, but one alone may adjourn from day to day, or to any particular day, or until the next term."

SEC. 5. That Section 2628 of the Revision of 1860 be, and the same is hereby repealed, and there is hereby enacted instead thereof as follows, to-wit: Section 2628, "When the Court is equally divided in opinion,